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Office-Supreme Court, U.S.
FILED
MAY 13 1985
ALEXANDER L. STEVAS,
CLERK

No. 84-1674

IN THE

Supreme Court of the United States

OCTOBER TERM, 1984

JOEL D. ENDER,

Petitioner,

v.

CHRYSLER CORPORATION, UNITED AUTO WORKERS LOCAL 1268, AND INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,

Respondents.

BRIEF IN OPPOSITION TO PETITION FOR CERTIORARI

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Dated: May 10, 1985

Pandick Midwest, Inc., Chicago • 454-7600

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BRIEF IN OPPOSITION TO PETITION FOR CERTIORARI

This case is unworthy of *certiorari:*

Petitioner and another employee of Chrysler Corporation* were discharged on April 9, 1971 for fighting on company property. The employees' union filed grievances which were settled by reinstatement of both men but without back pay. Petitioner thus lost $394.33. He signed a final settlement agreement May 23, 1971. But, nearly two years later, April 6, 1973, despite the settlement, his brother Ronald filed this suit making a variety of claims against Respondent and the United Automobile Workers.

There have been a series of interim rulings including an earlier application for *certiorari* which was denied February 21, 1978 (434 U.S. 1070) with rehearing denied April 17, 1978 (435 U.S. 981).

The courts below simply dismissed the case under this Court's rule in *Del Costello v. International Brotherhood of Teamsters* ____ U.S. ____ (1983); 103 Sp. Ct. 1281. (*See* App L to Pet. at p. 30a). It was unnecessary for them to reach Petitioner's numerous contentions of wrongdoing because the entire proceeding was barred by limitation.

The petition states (p.4) that the "central issue" is whether "any court will acknowledge the existence of the claims actually pleaded". The answer is that where a case is barred by limitation, it is not the duty of a court to pass on the various legal theories alleged in the barred complaint.

Actually, counsel has embarked, or so he says (p.18), on a campaign to seek impeachment by the House of Representatives of the judges who decided against him. The charges made against the judges are scandalous and untrue.

The writ should be denied.

Respectfully submitted,

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* **STATEMENT REQUIRED BY SUPREME COURT RULE 28.1**

Chrysler Corporation, in addition to wholly owned subsidiaries, has a majority interest in the following companies: Chrysler Canada Ltd. (Canada); Chrysler de Mexico S.A. (Mexico); 80 retail sales outlets in the United States and 19 outside the United States; and 3 unnamed subsidiaries. It also holds a minority interest in: PSA Peugeot-Citroen, Mitsubishi Motors Corp., and Maserati of Italy.